

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
Jerald Times,	:	
	:	
Plaintiff,	:	23cv3229 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
Success Academy Charter Schools, Inc.,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

An Opinion of December 6, 2024 granted in part the defendants' motion for summary judgment. Remaining in the case are claims of retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. ("Title VII"), and the New York State Human Rights Law, N.Y. Exec. Law. § 290 et seq. ("NYSHRL").

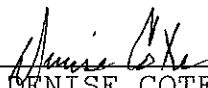
On January 2, 2025, plaintiff Jerald Times filed a notice of interlocutory appeal of the Court's grant of partial summary judgment. On April 21, seeking to create jurisdiction for his appeal, Times filed a motion for the entry of a final judgment as to his dismissed claims pursuant to Fed. R. Civ. P. 54(b).

A partial final judgment may only be entered and certified for appeal "to serve the interests of sound judicial administration or to avoid some danger of hardship or injustice

through delay which would be alleviated by immediate appeal.” Matter of Energetic Tank, Inc., 110 F.4th 131, 148 (2d Cir. 2024) (citation omitted). To enter a partial final judgment, a district court must also “expressly determine that there is no just reason for delay.” Id. (citing Fed. R. Civ. P. 54(b)). Entry of a partial final judgment in this case would create a risk of piecemeal appeals and would be contrary to sound judicial administration. The risk of piecemeal appeals outweighs Times’ concerns about the possibility of “piecemeal litigation” in the event that his appeal succeeds. Times also has not shown that he faces hardship or injustice through delay, as he will likely have the opportunity to take his remaining retaliation claims to trial this summer. Accordingly, it is hereby

ORDERED that Times’ April 21 motion for certification of a final judgment as to those claims on which the defendants were granted summary judgment is denied.

Dated: New York, New York
April 22, 2025



DENISE COTE
United States District Judge